

1 WHEREAS, Individuals injured before age 22 may be eligible for ongoing
2 funding through the Developmental Disabilities Administration, and there is no such
3 funding available for those injured at age 22 or older; and

4 WHEREAS, The leading cause of traumatic brain injury is car accidents; and

5 WHEREAS, Individuals with traumatic brain injuries are often relegated to
6 nursing homes and State psychiatric institutions due to the lack of funding for
7 community-based services, resulting in enormous costs to Maryland's taxpayers; now,
8 therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
10 MARYLAND, That the Laws of Maryland read as follows:

11 **Article - Health - General**

12 **PART V. TRAUMATIC BRAIN INJURY REHABILITATION FUND.**

13 10-927.

14 (A) IN PART V OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE
15 MEANINGS INDICATED.

16 (B) "APPROVED PROVIDER" MEANS A PERSON WHO IS APPROVED BY THE
17 ADMINISTRATION TO PROVIDE PRODUCTS OR SERVICES TO AN INDIVIDUAL WITH A
18 TRAUMATIC BRAIN INJURY.

19 (C) "FUND" MEANS THE TRAUMATIC BRAIN INJURY REHABILITATION FUND.

20 (D) (1) "TRAUMATIC BRAIN INJURY" MEANS AN INSULT TO THE BRAIN THAT
21 IS CAUSED BY AN EXTERNAL PHYSICAL FORCE THAT PRODUCES, FOR A PERIOD OF
22 NOT LESS THAN 6 MONTHS, A DIMINISHED OR ALTERED STATE OF CONSCIOUSNESS
23 THAT IMPAIRS OR DISTURBS COGNITIVE, PHYSICAL, BEHAVIORAL, OR EMOTIONAL
24 FUNCTIONING.

25 (2) "TRAUMATIC BRAIN INJURY" DOES NOT INCLUDE AN INSULT TO THE
26 BRAIN THAT IS CAUSED BY A CONGENITAL OR DEGENERATIVE DISORDER.

27 10-928.

28 (A) (1) THERE IS A TRAUMATIC BRAIN INJURY REHABILITATION FUND.

29 (2) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT IS
30 NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

31 (3) THE TREASURER SHALL SEPARATELY HOLD AND THE COMPTROLLER
32 SHALL ACCOUNT FOR THE FUND.

33 (4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME
34 MANNER AS OTHER STATE FUNDS.

1 (5) ANY UNSPENT PORTIONS OF THE FUND MAY NOT BE TRANSFERRED
2 OR REVERT TO THE GENERAL FUND OF THE STATE, BUT SHALL REMAIN IN THE FUND
3 TO BE USED FOR THE PURPOSES SPECIFIED IN §§ 10-929 AND 10-930 OF THIS PART.

4 (B) THE FUND CONSISTS OF:

5 (1) MONEYS DISTRIBUTED TO THE FUND FROM THE ADDITIONAL COURT
6 COSTS COLLECTED FROM DEFENDANTS UNDER § 7-409 OF THE COURTS ARTICLE;

7 (2) MONEYS RECEIVED FROM ANY OTHER SOURCE;

8 (3) INVESTMENT EARNINGS DERIVED FROM MONEYS IN THE FUND; AND

9 (4) ANY FEDERAL MATCHING FUNDS RECEIVED BY THE STATE FOR
10 TRAUMATIC BRAIN INJURY TREATMENT OR ASSISTANCE.

11 (C) THE FUND SHALL BE SUBJECT TO AN AUDIT BY THE OFFICE OF
12 LEGISLATIVE AUDITS AS PROVIDED UNDER § 2-1220 OF THE STATE GOVERNMENT
13 ARTICLE.

14 (D) THE ADMINISTRATION SHALL ADMINISTER THE FUND AS PROVIDED
15 UNDER § 10-930 OF THIS PART.

16 (E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE FUND FROM
17 RECEIVING MONEYS FROM ANY OTHER SOURCE.

18 10-929.

19 (A) THE PURPOSE OF THE FUND IS TO ASSIST INDIVIDUALS, ON AND AFTER
20 OCTOBER 1, 2004, WHO HAVE SUFFERED TRAUMATIC BRAIN INJURIES AFTER THE
21 AGE OF 21, AND THEIR FAMILIES, IN PAYING FOR SERVICES AND PRODUCTS THAT:

22 (1) ARE NOT COVERED BY THE INDIVIDUAL'S HEALTH INSURANCE OR
23 ANY OTHER PRIVATE HEALTH BENEFIT PROGRAM; AND

24 (2) WILL INCREASE THE INDIVIDUAL'S OPPORTUNITY FOR AN OPTIMAL
25 QUALITY OF LIFE.

26 (B) THE FUND SHALL BE THE PAYER OF LAST RESORT FOR SERVICES AND
27 PRODUCTS DESCRIBED UNDER § 10-930(B) OF THIS PART.

28 (C) THE FUND MAY BE USED ONLY TO ASSIST RESIDENTS OF THE STATE.

29 10-930.

30 (A) THE ADMINISTRATION SHALL ADMINISTER THE FUND.

31 (B) THE ADMINISTRATION SHALL USE THE FUND TO:

32 (1) PAY FOR SERVICES AND PRODUCTS RECEIVED FROM APPROVED
33 PROVIDERS, INCLUDING:

- 1 (I) CASE MANAGEMENT SERVICES;
2 (II) REHABILITATIVE THERAPIES AND SERVICES;
3 (III) ATTENDANT CARE;
4 (IV) HOME ACCESSIBILITY MODIFICATIONS;
5 (V) EQUIPMENT NECESSARY FOR ACTIVITIES; AND
6 (VI) RESPITE CARE;

7 (2) PROVIDE STATE MATCHING FUNDS IN ORDER TO QUALIFY FOR
8 FEDERAL FUNDING OF TRAUMATIC BRAIN INJURY ASSISTANCE OR TREATMENT; AND

9 (3) PAY THE COSTS ASSOCIATED WITH ADMINISTERING THE FUND.

10 (C) THE ADMINISTRATION SHALL DEVELOP A LIST OF APPROVED PROVIDERS
11 AND MAKE THIS LIST AVAILABLE TO INDIVIDUALS WITH TRAUMATIC BRAIN
12 INJURIES.

13 (D) THE ADMINISTRATION SHALL ADOPT REGULATIONS TO ESTABLISH:

14 (1) PRIORITIES FOR THE USE OF THE FUND;

15 (2) APPLICATION PROCEDURES FOR INDIVIDUALS SEEKING PAYMENTS
16 FROM THE FUND; AND

17 (3) ELIGIBILITY CRITERIA FOR INDIVIDUALS SEEKING PAYMENTS FROM
18 THE FUND, INCLUDING:

19 (I) INCOME CRITERIA THAT AUTHORIZE PAYMENTS BASED ON A
20 SLIDING SCALE; AND

21 (II) A REQUIREMENT THAT THE PRESENCE OF A TRAUMATIC BRAIN
22 INJURY BE ESTABLISHED WITH DOCUMENTED MEDICAL EVIDENCE.

23 (E) ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE ADMINISTRATION SHALL
24 REPORT ON THE LEVEL OF MONEYS IN THE FUND TO THE GOVERNOR AND, SUBJECT
25 TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

26 **Article - Courts and Judicial Proceedings**

27 7-409.

28 (a) (1) In this section the following words have the meanings indicated.

29 (2) "Crime" means an act committed by a person in the State that is:

30 (i) A crime under Title 1, Subtitle 3, Title 3, Subtitle 7, or § 4-123.1
31 of the Agriculture Article;

- 1 (ii) A crime under Title 19, Subtitle 2 or Subtitle 3 of the Business
2 Regulation Article;
- 3 (iii) A crime under Title 14, Subtitle 29, § 11-810, § 14-1316, or §
4 14-1317 of the Commercial Law Article;
- 5 (iv) A crime under § 3-218, § 3-305(c)(2), § 3-409(a) or (c), §
6 3-803(b), § 3-807(i), § 3-808(d), § 3-811(c), § 8-801, § 8-802, § 9-602(e), §
7 11-702(d)(8), § 11-703(e)(5)(iii), § 11-708(b)(8)(ii), § 11-711(h)(2), § 11-712(c)(6)(ii), §
8 11-715(g)(2), § 11-716(h)(2), § 11-723(b)(8), or § 11-726 of the Correctional Services
9 Article;
- 10 (v) A crime under the Criminal Law Article other than Title 8,
11 Subtitle 2, Part II or § 10-614;
- 12 (vi) A crime under the Criminal Procedure Article;
- 13 (vii) A crime under Title 5, Subtitle 10A of the Environment Article;
- 14 (viii) A crime under § 5-503 of the Family Law Article;
- 15 (ix) A crime under Title 20, Subtitle 7 or § 21-259.1 of the Health -
16 General Article;
- 17 (x) A crime under § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, §
18 8-726.1, § 8-738.1, or § 8-740.1 of the Natural Resources Article;
- 19 (xi) A crime under Article 27 of the Code;
- 20 (xii) A crime under § 14-127 of the Real Property Article;
- 21 (xiii) A violation of the Transportation Article that is punishable by
22 imprisonment;
- 23 (xiv) A crime under Article 2B, Title 22 or § 18-104 of the Code;
- 24 (xv) A crime under Article 24, § 11-512, § 11-513, or § 11-514 of the
25 Code;
- 26 (xvi) A crime under § 109 of the Code of Public Local Laws of
27 Caroline County;
- 28 (xvii) A crime under § 4-103 of the Code of Public Local Laws of
29 Carroll County;
- 30 (xviii) A crime under § 8A-1 of the Code of Public Local Laws of
31 Talbot County; or
- 32 (xix) A crime at common law.

1 (3) "Offense" means a violation of the Transportation Article that is not
2 punishable by imprisonment.

3 (b) In addition to any other costs required by law, a circuit court shall impose
4 on a defendant convicted of a crime an additional cost of \$45 in the case.

5 (c) In addition to any other costs required by law, the District Court shall
6 impose on a defendant convicted of a crime an additional cost of \$35 in the case.

7 (d) In addition to any other costs required by law, a court shall impose on a
8 defendant convicted of an offense an additional cost of [\$3] \$7 in the case, including
9 cases in which the defendant elects to waive the right to trial and pay the fine or
10 penalty deposit established by the Chief Judge of the District Court by administrative
11 regulation.

12 (e) (1) All money collected under this section shall be paid to the
13 Comptroller of the State.

14 (2) The Comptroller shall deposit \$22.50 from each fee collected under
15 subsection (b) of this section from a circuit court and \$12.50 from each fee collected
16 under subsection (c) of this section from the District Court into the State Victims of
17 Crime Fund established under § 11-916 of the Criminal Procedure Article.

18 (3) The Comptroller shall deposit \$2.50 from each fee collected under
19 subsections (b) and (c) of this section into the Victim and Witness Protection and
20 Relocation Fund established under § 11-905 of the Criminal Procedure Article.

21 (4) The Comptroller shall deposit all other moneys collected under
22 subsections (b) and (c) of this section into the Criminal Injuries Compensation Fund
23 established under § 11-819 of the Criminal Procedure Article.

24 (f) (1) [From the first \$500,000 in fees collected under subsection (d) of this
25 section in each fiscal year, the Comptroller shall deposit one-half of each fee into the
26 State Victims of Crime Fund and one-half of each fee into the Criminal Injuries
27 Compensation Fund.

28 (2) For fees collected under subsection (d) of this section in excess of
29 \$500,000 in each fiscal year, the Comptroller shall deposit the entire fee into the
30 Criminal Injuries Compensation Fund.] FROM EACH \$7 FEE COLLECTED UNDER
31 SUBSECTION (D) OF THIS SECTION, THE COMPTROLLER SHALL DEPOSIT:

32 (I) 1. \$1.50 INTO THE STATE VICTIMS OF CRIME FUND; AND

33 2. \$1.50 INTO THE CRIMINAL INJURIES COMPENSATION
34 FUND; AND

35 (II) \$4 INTO THE TRAUMATIC BRAIN INJURY REHABILITATION
36 FUND.

1 (2) WHEN THE DEPOSITS UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION
2 TOTAL \$500,000, THE COMPTROLLER SHALL DEPOSIT FROM EACH \$7 FEE COLLECTED
3 UNDER SUBSECTION (D) OF THIS SECTION:

4 (I) \$3 INTO THE CRIMINAL INJURIES COMPENSATION FUND; AND

5 (II) \$4 INTO THE TRAUMATIC BRAIN INJURY REHABILITATION
6 FUND.

7 (3) WHEN THE DEPOSITS INTO THE TRAUMATIC BRAIN INJURY
8 REHABILITATION FUND UNDER PARAGRAPHS (1)(II) AND (2)(II) OF THIS SUBSECTION
9 TOTAL \$3,000,000, THE COMPTROLLER SHALL DEPOSIT EACH \$7 FEE COLLECTED
10 UNDER SUBSECTION (D) OF THIS SECTION INTO THE CRIMINAL INJURIES
11 COMPENSATION FUND.

12 (g) A political subdivision may not be held liable under any condition for the
13 payment of sums under this section.

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 October 1, 2003.